

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT TOELK a/k/a	:	
SCOTT DIDONATO	:	
and	:	
RICHARD TOELK	:	CIVIL ACTION NO. : 09-5630
and	:	
VERONICA TOELK-GARBARINO	:	
	:	
v.	:	
	:	
PAUL MORRISSEY	:	
and	:	
ANDY WARHOL FOUNDATION FOR	:	
THE VISUAL ARTS, INC.	:	
and	:	
IMAGE ENTERTAINMENT, INC.	:	
and	:	
SCORE-SARX COMPANY	:	

ORDER FOR VOLUNTARY DISMISSAL

A hearing having been held on _____, 2010 on Plaintiffs' Motion for Order for Voluntary Dismissal of this action and, appearing to the Court that dismissal of this action is appropriate, under Federal Rules of Civil Procedure 41(a)(ii), it is hereby ORDERED that Plaintiffs' Motion for an Order for Voluntary Dismissal of this action is GRANTED and that this action shall be dismissed without prejudice.

BY THE COURT:

Date: _____

J.

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SCOTT TOELK a/k/a	:	
SCOTT DIDONATO	:	
and	:	
RICHARD TOELK	:	CIVIL ACTION NO. : 09-5630
and	:	
VERONICA TOELK-GARBARINO	:	
	:	
v.	:	
	:	
PAUL MORRISSEY	:	
and	:	
ANDY WARHOL FOUNDATION FOR	:	
THE VISUAL ARTS, INC.	:	
and	:	
IMAGE ENTERTAINMENT, INC.	:	
and	:	
SCORE-SARX COMPANY	:	

MOTION FOR VOLUNTARY DISMISSAL

TO: Robert C. Heim, Esquire
Dechert, LLP
Cirra Centre
2929 Arch Street
Philadelphia, PA 19104-2808

Matthew J. Borger, Esquire
Klehr, Harrison, Harvey & Branzburg, LLP
1835 Market Street
Philadelphia, PA 19103

Aaron M. Zeisler, Esquire
Satterlee, Stephens, Burke & Burke, LLP
230 Park Avenue
New York, NY 10169

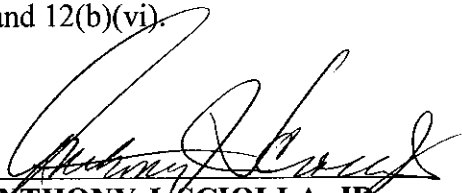
Score-Sarx Company
20525 Nordhoff Street, Suite 200
Chatsworth, CA 91311-6104

Please take notice that on _____, 2010 or soon thereafter as
counsel can be heard, Plaintiff will move the Court in Courtroom _____ before Judge
DuBois for an Order for voluntary dismissal of this action without prejudice pursuant to

Federal Rule of Civil Procedure 41(a)(ii). This Motion is made on the grounds that counsel for the Plaintiff has recently been advised that the Plaintiffs have obtained the death certificate for the late Richard Toelk and, as such, are planning on opening his Estate in order to properly pursue a claim on behalf of the Estate of Richard Toelk.

2. No counterclaim has been filed against the Plaintiffs and, therefore, dismissal is appropriate under Federal Rules of Civil Procedure 41(a)(ii).

3. Dismissal of this action will not prejudice any party since they have sought their own Motions to Dismiss under 12(b)(iii) and 12(b)(vi).



ANTHONY J. SCIOLLA, JR.
Attorney for Plaintiff
Attorney I.D. No.: 25365

801 Old York Road
Noble Plaza, Suite 219
Jenkintown, PA 19046
(215) 673-9222